Remarks

Applicants respectfully request reconsideration. A Notice of Appeal and Pre-Appeal Request for Review for the above-identified patent application were filed on November 9, 2007. The Pre-Appeal Board returned its decision on December 4, 2007, indicating that the application was to proceed to the Board of Patent Appeals and Interferences.

This amendment is intended to end the appeal and reopen prosecution on the merits. To that effect, this amendment is accompanied by a Request for Continued Examination (RCE) and the requisite fee.

Turning to the substance of this amendment, it is seen that changes have been made to the claims and remarks have been submitted. The status of the claims is as follows:

- Claims 1 and 9 have been amended;
- Claims 14-24 have been added;
- Claims 1, 9, 16, 21, and 24 are independent.

The Examiner has rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Klausner et al. (US 6748305 B1, hereinafter, "Klausner") in view of Seashore (US 5916286 A, hereinafter, "Seashore"). Applicants have amended claim 1 and assert that claim 1 as amended is allowable.

Klausner teaches a method and device for storing data in a vehicle. The device includes a "memory medium" that is connected over a vehicle data bus to various sensors and subsystems. At various points in time, the memory medium can be updated to include a potentially wide variety of information about the vehicle, including the status of its systems, the driving characteristics of its operators, and even the environmental conditions to which the vehicle is subject during its time in service. See Abstract,

Seashore discloses a hand-held diagnostic tool that can be configured to read vehicle information (Abstract). The diagnostic tool contains a memory into which codes can be stored for interacting with different vehicles. A user configures the diagnostic tool for interacting with a particular vehicle by selecting that vehicle type from the diagnostic tool's user interface. The diagnostic tool can then read information stored in the vehicle. See Fig. 4 and Col. 3, lines 6-24.

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Claim 1 as amended distinguishes over the combination of Klausner and Seashore. For example, claim 1 as amended recites, *inter alia*, the steps of:

> providing a telematics application on a local telematics unit within a vehicle, the telematics application implemented as a software program including generic requests for vehicle parameter data that are not specific to any particular make or model of the vehicle; [and]

> providing an abstract software layer operatively disposed between the telematics application and the vehicle data bus;

Support for the "telematics application" can be found, for example, at paragraphs 16, 22, and 30. Support for the "abstract software layer" can be found, for example, at paragraphs 18 and 30.

Neither Klausner nor Seashore discloses these steps. The Examiner has indicated that Klausner discloses a telematics application, such as transmitting data over a data bus (page 3, lines 5-6 of the Detailed Action). However, this "telematics application" is not "implemented as a software program including generic requests for vehicle parameter data that are not specific to any particular make or model of the vehicle," as required by claim 1 as amended.

The Examiner has also indicated that Seashore discloses a telematics application (see page 8, line 9 of the Detailed Action). However, Seashore's "telematics application" is not "implemented as a software program including generic requests for vehicle parameter data that are not specific to any particular make or model of the vehicle." To the contrary, Seashore's diagnostic tool is specifically configured for use with a particular type of vehicle:

> Once the appropriate automobile coding is found and decompressed, it is used to configure the automobile diagnostic tool. The automobile diagnostic tool then accesses and receives information from an automotive computer of the automobile. [Col. 3, lines 30-35]

See also the description accompanying Fig. 4:

> A step 47 comprises configuring the automobile diagnostic tool to the automobile coding. The automobile coding describes a format used in the automotive computer. [Col, 10, lines 4-6]

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Although Seashore's diagnostic tool appears to be configurable for interfacing with different types of vehicles, it accomplishes this by adapting its own configuration. Once the codes for a particular vehicle type are decompressed and loaded, Seashore's tool effectively becomes a special-purpose device adapted for interfacing with a particular vehicle type. This is different from "providing a telematics application on a local telematics unit within a vehicle, the telematics application implemented as a software program including generic requests for vehicle parameter data that are not specific to any particular make or model of the vehicle," as recited in claim 1 as amended.

In addition, the concept of "providing an abstract software layer operatively disposed between the telematics application and the vehicle data bus," as recited in claim 1 as amended, is absent from both Klausner and Seashore.

Therefore, and for at least these reasons, claim 1 as amended is not obvious based on Klausner in view of Seashore. Applicants respectfully submit that claim 1 as amended is allowable, and request that the rejection of claim 1 as amended under 35 U.S.C. § 103(a) be withdrawn.

Claims 2-4 depend from claim 1 as amended and are allowable for the same reasons.

The Examiner has rejected claim 9 under 35 U.S.C. § 103(a) as being unpatentable based on Klausner in view of Seashore. Applicants have amended claim 9 and respectfully submit that claim 9 as amended is allowable.

For example, claim 9 as amended recites a step of "conditionally requesting other vehicle parameter data by the telematics application depending upon the extracted vehicle data." An example supporting this recitation is found at paragraphs 22-26 of the specification.

Neither Klausner nor Seashore discloses a telematics application "conditionally requesting other vehicle parameter data," as recited in claim 9 as amended. Therefore, and for at least this reason, claim 9 as amended is not obvious based on Klausner in view of Seashore. Applicants respectfully submit that claim 9 as amended is allowable, and request that the rejection of claim 9 as amended under 35 U.S.C. § 103(a) be withdrawn.

Claims 10-13 depend from claim 9 as amended and are allowable for the same reasons.

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Claims 14-24 have been added. Claim 14 depends from claim 1 as amended and is allowable for at least the same reasons. Claim 15 depends from claim 9 as amended and is allowable for at least the same reasons. Claims 16, 21, and 24 are independent.

Claim 16 is directed to a local data acquisition unit for installation within a vehicle. Claim 16 distinguishes over Klausner and Seashore. For example, neither Klausner nor Seashore discloses "a telematics application written using generic instructions that are not specific to any particular make or model of vehicle," as recited by claim 16. Nor does either disclose "an abstract software layer, operatively disposed between the telematics application and the vehicle data bus and including a wireless link for accessing vehicle-specific data bus information via a computer network," as recited in claim 16.

Support for the "electronic interface" can be found, for example, at paragraph 16 of the specification. Support for the "abstract software layer" can be found, for example, at paragraphs 18 and 30. Support for the "wireless link" can be found, for example, at paragraphs 18 and 28.

Claims 17-20 depend from claim 16. Therefore, claims 17-20 distinguish over Klausner and Seashore for at least the same reasons as applied to claim 16.

Support for claim 17 can be found, for example, at paragraph 18 of the specification. Support for claims 18-20 can be found, for example, at paragraph 16 of the specification.

Claim 21 is directed to a local data acquisition unit for installation within a vehicle. Claim 21 distinguishes over Klausner and Seashore. For example, neither Klausner nor Seashore discloses "an abstract software layer, loaded on the computer and operatively disposed between the telematics application and the electronic interface," as recited in claim 21. Applicants respectfully submit that claim 21 is allowable.

Claims 22-23 depend from claim 21 and are allowable for at least the same reasons.

Claim 24 is directed to a method of deploying a telematics application in vehicles having different makes and/or models. An abstract software layer is installed within each vehicle. Claim 24 distinguishes over Klausner and Seashore. For example, neither Klausner nor Seashore discloses "creating a telematics application that includes

generic requests to the abstract software layer for vehicle data," as recited in claim 24. Applicants therefore respectfully submit that claim 24 is allowable.

Conclusion:

Applicants contend that the application is now in condition for allowance. A notice to that effect is earnestly solicited.

Respectfully Submitted,

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